

MEMORANDUM DECISION

Pursuant to [Ind. Appellate Rule 65\(D\)](#), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



APPELLANT PRO SE

Rebekah A. Atkins
Marengo, Indiana

ATTORNEY FOR APPELLEES

Douglas A. Hoffman
Carson LLP
Bloomington, Indiana

IN THE COURT OF APPEALS OF INDIANA

Rebekah A. Atkins,
Appellant-Petitioner,

v.

Lisa S. Holzbog, Lisa Ward,
Dawn Wright, and Virginia
Mclain,
Appellees-Respondents.

March 30, 2021

Court of Appeals Case No.
20A-MI-2120

Appeal from the Crawford Circuit
Court

The Honorable R. Michael Cloud,
Special Judge

Trial Court Cause No.
13C01-2009-MI-15

Mathias, Judge.

[1] Rebekah Atkins appeals the Crawford Circuit Court's order denying her petitions for writ of habeas corpus.

[2] We affirm.

Facts and Procedural History

- [3] Atkins is a prolific litigant. A search of the Odyssey case management system indicates that she has initiated or been involved in at least thirty cases since 2018. She initiated this particular action on September 21, 2020, by filing a “Verified Petition for Writ of Habeas Corpus” against the Crawford County Clerk’s Office, Lisa Holzbog (the Clerk of Crawford County), Lisa Ward (the Chief Deputy Clerk of Crawford County), and Dawn Wright and Virginia Mclain (two Crawford County deputy clerks) (collectively, “Respondents”). Appellant’s App. pp. 31–34. Atkins also filed several motions with her petition.¹
- [4] Atkins does not claim in her habeas corpus petition that she has been detained or incarcerated. Instead—as far as we can discern—she seems to assert that Respondents have conspired to steal her identity and to deny her access to the courts. For example, she states that Respondents “shut down-signs off the PUBLIC’S Public Access Terminal to the Indiana Electronic Official Court System-Odyssey-Incite-& Tax Warrants database” and “loads a FAKE offline system” or “shuts down the entire office . . . just to deny access to Ms. Atkins.” *Id.*

¹ Atkins filed a “Verified Motion for Judge Bell of the Crawford Circuit Court to Recuse Herself as Judge Thereof and to Request the Appointment of a Special Judge in this Matter,” Appellant’s App. p. 36; a “Verified Motion for this Court to Set a Court Hearing Forthwith in this Matter for all Parties Involved,” *id.* at 38; a “Verified Motion for Discovery,” *id.* at 42; and a “Verified Pro Se Petition for Leave to Proceed as an Indigent Person” along with a “Verified Affidavit of Indigency,” *id.* at 21, 24.

- [5] One week after filing her habeas corpus petition, Atkins filed an equally bewildering “2nd Petition for Writ of Habeas Corpus.” Appellant’s App. pp. 44–48. And three days later, Atkins continued filing additional documents, which included allegations such as “Judge Bell is unwilling, biased, unable and incompetent” to consider her petitions.² *Id.* at 60; *see also id.* at 49–116.
- [6] The trial court ultimately entered orders denying Atkins’s petitions for writ of habeas corpus and resolving all outstanding motions. *Id.* at 12, 14. Atkins now appeals, claiming “it appears all the alleged Courts of and for the State of Indiana; are “IDENTITY THEIVES, PIRATES AND ROBBERS’ DENS.” Appellant’s Br. at 9–10.

Discussion and Decision

- [7] We note initially that Atkins appears pro se in this appeal, just as she did before the trial court. It is well settled that pro se litigants are not afforded any inherent leniency simply by virtue of being self-represented. *Willet v. State*, 151 N.E.3d 1274, 1277 (Ind. Ct. App. 2020). Our supreme court has also made clear that self-represented litigants have no right to engage in abusive tactics or to clog the judicial machinery with meritless litigation. *Zavodnik v. Harper*, 17 N.E.3d 259, 264 (Ind. 2014). Courts have a legitimate interest in the preservation of valuable

² While we disapprove of abusive litigation practices—such as unrelenting attempts to replace judges based on unfounded allegations of bias and prejudice—we presume the Crawford Circuit Court and the Clerk’s Office staff will continue to allow Atkins access to Crawford County’s public Odyssey case management system terminals. Atkins is entitled to such use so long as she does not disrupt the peace and so long as her usage is consistent with the rights of other members of the public to use those resources.

judicial and administrative resources because resources devoted to abusive litigants are resources denied to litigants with legitimate cases. *Id.*

- [8] Self-represented litigants are thus required to follow procedural rules—just like any other litigant. *Martin v. Hunt*, 130 N.E.3d 135, 136 (Ind. Ct. App. 2019). Failure to follow the Indiana Rules of Appellate Procedure, such as by failing to present a cogent argument, may result in waiver of an issue on appeal. *See Ind. Appellate Rule 46(A)(8)(a); Vandenburg v. Vandenburg*, 916 N.E.2d 723, 729 (Ind. Ct. App. 2009) (“Although the failure to comply with the appellate rules does not necessarily result in waiver of an issue, it is appropriate where noncompliance impedes our review.”).

- [9] Here, Atkins’s brief fails to adhere to several provisions of Appellate Rule 46(A). [Rule 46\(A\)\(4\)](#) requires that a brief’s Statement of Issues “concisely and particularly describe each issue presented for review.” Atkins’s Statement of Issues, however, presents twelve indiscernible “issues.” For example, for the second of those twelve issues, she states:

ISSUE 2: Appellant is informed; it is Appellant’s duty to go to the Court-Judges of Indiana and make/get the Courts to recognize Appellant; and for the Courts-Judges to stop the Theft and fraudulent misuse of Appellant’s identity in these false & fictitious lawsuits being filed in/thru/by these participating Courts-judges.

Appellant’s Br. at 10. Moreover, neither her Statement of Case nor her Statement of Facts includes “page references to the Record on Appeal or Appendix,” as required by [Rules 46\(A\)\(5\)](#) and [46\(A\)\(6\)](#).³

[10] Atkins has also failed to comply with [Appellate Rule 46\(A\)\(8\)](#), which requires that an appellant’s brief “contain the appellant’s contentions why the trial court . . . committed reversible error.” Subsections (a) and (b) of that rule explain:

(a) The argument must contain the contentions of the appellant on the issues presented, supported by cogent reasoning. Each contention must be supported by citations to the authorities, statutes, and the Appendix or parts of the Record on Appeal relied on, in accordance with Rule 22.

(b) The argument must include for each issue a concise statement of the applicable standard of review In addition, the argument must include a brief statement of the procedural and substantive facts necessary for consideration of the issues presented on appeal, including a statement of how the issues relevant to the appeal were raised and resolved by any Administrative Agency or trial court.

[App. R. 46\(A\)\(8\)\(a\)-\(b\)](#), One purpose of these two directives is to relieve courts of the burden of searching the record and stating a party’s case for her. *See In re Moeder*, 27 N.E.3d 1089, 1097 n.4 (Ind. Ct. App. 2015). Accordingly, it is the

³ We acknowledge that Atkins’s brief includes a “Background” section. But Rule 46(A), which requires that an appellant’s brief include specified sections in a specific order, does not contemplate inclusion of a “Background” section. Even if it did, the “Background” section of Atkins’s brief—like her Statement of Facts and Statement of Case—fails to include any citation to the record or the appendix.

complaining party's duty to direct our attention to the portion of the record that supports her contention. *Vandenburgh*, 916 N.E.2d at 729.

[11] Atkins has not provided a cogent argument, citation to relevant legal precedent, citation to pages in the record, or a comprehensible statement of the facts and procedural history. Her arguments appear to focus not on the trial court's order dismissing her petitions but instead on allegations of misconduct by Respondents. She recites long passages from various sources without any explanation of the relevance of those passages, and she fails to include any citations that comply with Rule 22 and the current edition of the Bluebook, to which Rule 22 refers. *See App. R. 46(A)(8); App. R. 22.*

[12] While noncompliance with the rules of appellate procedure does not necessarily result in waiver, Atkins's noncompliance with [Rule 46\(A\)](#) substantially impedes our ability to review and determine the issues raised and makes it prohibitively difficult to ascertain her claims of error on appeal. "Mere conclusory arguments do not discharge the appellant's burden of establishing reversible error." *DSG Lake, LLC v. Petalas*, 156 N.E.3d 677 (Ind. Ct. App. 2020). And, on review, we will not search through the authorities recited in Atkins's brief to find legal support for her position. *See id.* at 688 n.10.

[13] In short, because Atkins has failed to present a cogent argument supported by citations to the record and relevant authorities, she has waived her arguments on appeal.⁴

Conclusion

[14] For all of these reasons, we affirm the trial court.

[15] Affirmed.

Altice, J., and Weissmann, J., concur.

⁴ Atkins's reply brief impedes our review for largely identical reasons.